

REMARKS

Claims 1-56 were pending in the application. Claims 7, 9, 12-35, 48-53, 55 and 56 have been cancelled without prejudice, claim 54 has been amended and new claim 57 has been added. Therefore, claims 1-6, 8, 10, 11, 36-47, 54 and 57 are currently pending.

No new matter has been added. Claim 54 has been amended to provide proper dependency. Support for new claim 57 can be found, for example, at least in Table 2 at page 42 and at page 116, lines 1-5 of the specification as originally filed.

Cancellation of and/or amendments to the claims should in no way be construed as an acquiescence to any of the Examiner's objections or rejections. Cancellation of amendments and/or to the claims is being made solely to expedite prosecution of the above-identified application. Applicants reserve the option to further prosecute the same or similar claims in the present or another patent application. Cancellation of and/or amendments to the claims is not related to any issues of patentability.

Response to Restriction Requirement Under 35 U.S.C. §121

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

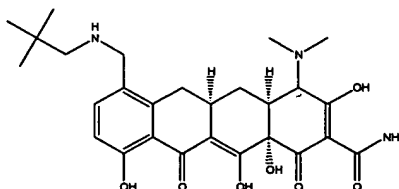
- Group I: Claims 7, 36-47 and 54, drawn to a method of treating a subject for a disorder treated by modulation of RNA comprising administering to said subject an effective amount of a substituted tetracycline compound, wherein the subject is a plant or virus, classified in class 424, subclass 93.1.
- Group II: Claims 8, 36-47 and 54, drawn to a method of treating a subject for a disorder treated by modulation of RNA comprising administering to said subject an effective amount of a substituted tetracycline compound, wherein the subject is a human, classified in class 424, subclass 1.11.
- Group III: Claims 12-35, drawn to methods of modulating RNA, classified in class 435, subclass 91.3
- Group IV: Claims 48-54, drawn to a method for identifying tetracycline compounds for disorders treated by modulation of RNA, classified in class 435, subclass 6.

Group V: Claims 55-56, drawn to a packaged composition comprising instructions for using a tetracycline compound, the tetracycline compound, and a pharmaceutically acceptable carrier, classified in class 514, subclass 152.

Applicants hereby elect Group II (8, 36-47 and 54), drawn to a method of treating a subject for a disorder treated by modulation of RNA comprising administering to said subject an effective amount of a substituted tetracycline compound, wherein the subject is a human, classified in class 424, subclass 1.11, without traverse.

Response to Species Election

The Examiner has required Applicants to elect, under 35 U.S.C. §121, a single disclosed compound species for prosecution on the merits. Applicants hereby elect:



Applicants respectfully submit that claims 1-6, 8, 10, 11, 36-38, 54 and 57 are readable on this species.

It is Applicants' understanding that the species election is for searching purposes only, and upon a finding of allowability of the elected species, the remaining species also will be searched.

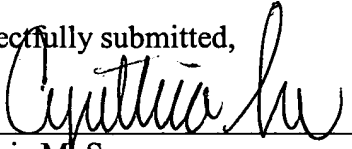
Application No.: 10/692,764
Examiner: K.A. Makar

Docket No.: PAZ-205CP
Group Art Unit: 1636

SUMMARY

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: February 20, 2007

Respectfully submitted,
By 
Cynthia M. Soroos
Registration No.: 53,623
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant